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12
13 **UNITED STATES BANKRUPTCY COURT**
14
15 **NORTHERN DISTRICT OF CALIFORNIA**
16
17 **SAN JOSE DIVISION**

18 In re
19
20 CEDAR FUNDING, INC. and
21 CEDAR FUNDING MORTGAGE FUND,
22 LLC,
23
24 Debtors.

Case Nos. 08-52709 CN and 08-53670 CN

Chapter 11

(Substantively Consolidated)

**EX PARTE APPLICATION UNDER RULE
2004(a) AND (c) FOR ORDER OF
EXAMINATION OF SCOTT D. MCKINLAY**

25 **TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT:**

26 The Official Committee of Unsecured Creditors (“Applicant”), respectfully represents:

27 1. Scott D. McKinlay (“McKinlay”) is the Court approved real estate adviser to
28 chapter 11 trustee R. Todd Neilson (“Trustee”).

29 2. Applicant has objected to McKinlay’s pending fee applications in these cases, and
30 has questions about the nature and extent of the services for which McKinlay seeks
31 compensation.

1 3. Applicant desires to examine McKinlay concerning the acts, conduct and property
2 of the captioned debtors, including, in particular, the nature and extent of McKinlay's services as
3 real estate adviser to the Trustee.

4 4. Applicant requests that this Court order McKinlay to appear personally for oral
5 examination concerning the above matters. Such examination will be recorded by stenographic
6 means and will continue day to day until concluded.

7 5. This Application is made pursuant to Bankruptcy Rule 2004(a) and (c).

8 **WHEREFORE**, Applicant prays that this Court enter an order directing McKinlay to
9 appear for the purpose of examination at the law offices of Duane Morris LLP, located at One
10 Market Plaza, Spear Street Tower, Suite 2200, San Francisco, California 94105-1127, on
11 **March 14, 2011 at 10:00 a.m.**

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14 Dated: March 2, 2011

DUANE MORRIS LLP

By: /s/ Aron M. Oliner (152373)

ARON M. OLINER

Attorneys for THE OFFICIAL COMMITTEE
OF UNSECURED CREDITORS